



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: YITZCHAIK=1A

In re Application of: ) Art Unit: 1711  
Shlomo YITZCHAIK ) Examiner: DUC TRUONG  
Appln. No.: 10/600,641 ) Washington, D.C.  
Filed: June 23, 2003 ) Confirmation No. 6106  
For: MOLECULAR LAYER EPITAXY ) September 21, 2004  
METHOD AND COMPOSITION )

**PETITION FOR ENTRY OF AMENDMENT UNDER 37 CFR 1.312**

Customer Window, Mail Stop  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

Applicant hereby petitions for entry of the  
amendment under 37 CFR 1.312 submitted herewith.

The amendment under 37 CFR 1.312 is necessary to  
ensure that the claims in the issued patent are indeed  
patentable. Entry of the present amendment is respectfully  
petitioned because claims 1 and 12 would be unpatentable under  
35 U.S.C. 112, second paragraph, for being indefinite in the  
absence of such an amendment.

Claim 1 has been amended to delete "metallic" from  
line 3 of the claim because there is no antecedent basis in

lines 1-2 of the claim for "metallic." Additionally, the term "metallic substrate" does not appear anywhere in the application. It should also be noted that the Examiner did not use the term "metallic substrate" in the reasons for allowance.

Claim 12 has been amended to recite "the multilayered structure" of claim 11 rather than "The composition", as claim 11 is directed to a multilayered structure.

Entry of the accompanying amendment is earnestly solicited, as this amendment is filed only one week after paying the Issue Fee.

The attached form for charging to a credit card is submitted herewith to cover the petition fee required under 37 CFR 1.17 (h).

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By:

  
Anne M. Kornbau  
Registration No. 25,884

AMK:srd  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
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In Re Application of: Shlomo YITZCHAIK

Appln. No. 10/600,641

Date Filed: June 23, 2003

For: MOLECULAR LAYER EPITAXY METHOD

Honorable Commissioner for Patents  
 U.S. Patent and Trademark Office  
 2011 South Clark Place  
 Customer Window, Mail Stop Amendment  
 Crystal Plaza Two, Lobby, Room 1B03  
 Arlington, Virginia 22202

Sir:

Transmitted herewith is a REPLY: AMENDMENT/REMARKS AND PETITION in the above-identified application.

- Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted  
 Applicant claims small entity status. See 37 C.F.R. §1.27.  
 No fee is required.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA EQUALS
TOTAL	* 12	MINUS	** 20	0
INDEP.	* 1	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY		OTHER THAN SMALL ENTITY		
RATE	ADDITIONAL FEE	OR	RATE	
x 9	\$		x 18	\$
x 43	\$		x 86	\$
+ 145	\$		+ 290	\$
ADDITIONAL FEE TOTAL		OR	TOTAL	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

 Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

 It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

- First - \$ 55.00  
 Second - \$ 210.00  
 Third - \$ 475.00  
 Fourth - \$ 740.00

## Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

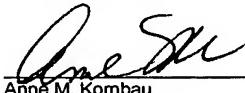
- First - \$ 110.00  
 Second - \$ 420.00  
 Third - \$ 950.00  
 Fourth - \$ 1480.00

## Month After Time Period Set

 Less fees (\$\_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_. Petition fee of \$130.00. Please charge my Deposit Account No. 02-4035 in the amount of \$\_\_\_\_\_. Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$130.00. The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

By:   
 Anne M. Kombau  
 Registration No. 25,884

Facsimile: (202) 737-3528  
 Telephone: (202) 628-5197